

COMMISSION MEETING**7:00 P.M.****NOVEMBER 20, 2019**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 20, 2019, in the City Commission Meeting Room with Vice Mayor Giefer presiding and Commissioners Gilligan, Mlynar and Smith present. Mayor Geitz was absent. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of October for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2018	2019	
	\$447,146.38	\$410,662.07	Decrease of \$36,484.31 for the month, and
			Overall increase of 1.19% from year 2018
YTD	\$4,062,010.33	\$4,110,493.92	

2. City Share from County Tax

	2018	2019	
	\$ 219,539.73	\$206,476.06	Decrease of \$13,063.67 for month, and
			Overall increase of 1.59% from year 2018
YTD	\$2,001,999.87	\$2,033,909.05	

3. Building Permits issued from 10/1/2019 to 10/31/2019 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	82
Total of valuations associated with those building permits:	\$ 727,308.00
Total number of dollars collected for Building Permit Fees:	\$ 8,233.50
Construct - single family dwellings	1
Demo - single family dwellings	1

Flint Hills Mall CID for October	\$ 14,961.15
Year to Date Total	\$ 167,811.66

Consent Agenda

It was moved by Commissioner Mlynar, seconded by Commissioner Smith that the Consent Agenda listed below be ratified as a whole:

- Consider minutes of the Regular Meeting held on November 6, 2019.
- Consider ratification of Payroll Ordinance for the period ending on November 8, 2019.
- Consider the Approval of October Budget.

The vote follows: Commissioner Mlynar, aye; Commissioner Smith, aye; Commissioner Gilligan, aye; and Vice Mayor Giefer, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(Rear Parking Lot of 618 Commercial Street)
(The Big Chill Finish Line Party)
(Ordinance Number 19-30)**

AN ORDINANCE EXEMPTING THE REAR PARKING LOT OF 618 COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ENHANCED CMB FOR THE BIG CHILL FINISH LINE PARTY DECEMBER 7, 2019, to which the City Clerk assigned Ordinance Number 19-30, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated this is a request from Communities in Schools of Mid-America and Salsa Street, sponsors of The Big Chill Finish Line Party, for permission to host a beer garden selling enhanced cereal malt beverage in connection with The Big Chill event on December 7, 2019 between the hours of 7:30 a.m. and 12:00 p.m. The event is to be held in the rear parking lot of 618 Commercial Street in an area approximately 32 feet by 32 feet. The beer garden will be enclosed by City fencing in a location approved by the Chief of Police and the applicant is required to meet city requirements for enhanced cereal malt beverage sales.

Victoria Partridge, representing Communities in Schools of Mid-America, was recognized and addressed the Governing Body. She stated this was the 2nd year for this event and it was a fundraiser for the non-profit Communities in Schools of Mid-America. A dedicated support service for at-risk students. She stated locally students are supported at Logan Avenue, Walnut, and William Allen White Elementary Schools and at Emporia High School. The event features a 5K, 10K and Emporia's half-marathon.

Commissioner Smith made a motion to approve Ordinance Number 19-30, an ordinance exempting the rear parking lot of 618 Commercial Street from the prohibition on the sale and consumption of enhanced CMB for The Big Chill Finish Line Party on December 7, 2019. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Vice Mayor Giefer, aye.

CITY COMMISSION
(Consider Health Insurance Authorization)

Assistant City Manager Massey, was recognized and addressed the Governing Body. He stated after reviewing the City's current health insurance plan with Blue Cross Blue Shield of Kansas, the City considered an Administrative Services Only (ASO) plan with BCBS where the City would pay claims to a \$50,000 stop-loss benefit, and a Health Reimbursement Agreement plan in conjunction with a BCBS high deductible plan with a \$6,350 deductible. The HRA would allow the City and employees to share costs of claims within that deductible. He stated staff is recommending going with an ASO plan for 2020. He stated the City has built a reserve fund that, when coupled with contributions from employee and employer monthly contributions (premiums) will more than fund our maximum expected costs. With claims remaining at an expected cost, an increase of our current reserves could be over \$100,000 during the 2020 plan year. The savings to the City will position a move forward toward a reserve balance necessary to open up options in the health insurance marketplace that will result in long-term stabilization of costs of insurance, potential improvement in benefits to employees, and additional savings to the City's overall benefits budget. He stated staff is recommending the City fund the Employee Health Care account at the maximum recommended rate for 2020 to cover claims, approximately \$1.9 million. Build reserves in this fund to cover claims and expenses for a full plan year. The buildup of reserves will put the city in a position to stabilize premiums and absorb natural fluctuations in claims expenses from year-to-year as well as explore options in benefits, maximizing future savings to employees and the City

overall and creates a benefits package that is competitive and attractive to future employees.

Commissioner Gilligan stated the budgeted amount for health insurance premiums was set at a 20% increase in premiums. The increase for premiums for 2020 was around a 4% increase. He recommended that the additional budgeted dollars be included in the fund since those dollars have already been budgeted for.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated the budget savings would be included in the fund on a bi-weekly basis.

Commissioner Gilligan made a motion authorizing staff to implement the ASO partially self-funded health insurance fund for 2020 and set 1-year reserve as a goal. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Mlynar, aye; and Vice Mayor Giefer, aye.

CITY COMMISSION
(Authorize General Obligation Bonds - \$800,000.00)
(Arundel Street Sewer Main Repair)
(Ordinance Number 19-31)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE PUBLIC SEWER SYSTEM IMPROVEMENTS, AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATIONS BONDS TO PAY COSTS THEREOF, to which the City Clerk assigned Ordinance Number 19-31, was presented for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated due to numerous flooding events, the sewer main across the stream by South Arundel has been damaged. An emergency temporary fix has been accomplished. The estimate to replace and realign the broken sewer main is approximately \$731,500. This ordinance is required to issue bonds to pay for the project. The ordinance will allow the City of Emporia to issue up to \$800,000. In financing to pay for the project.

Commissioner Mlynar made a motion to approve Ordinance Number 19-31, an ordinance authorizing the issuance of general obligation bonds in the amount of \$800,000 for the construction of replacing and realigning the

Arundel Street Sewer Main. Commissioner Smith seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Smith, aye; Commissioner Gilligan, aye; and Vice Mayor Giefer, aye.

CODE SERVICES
(Building and Construction Regulations)
(Amended Ordinance Number 19-24)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO THE BUILDING CONSTRUCTION REGULATIONS; AMENDING ORDINANCE 19-24 AND AMENDING SECTION 8-3 ADOPTION OR BUILDING AND CONSTRUCTION REGULATIONS, to which the City Clerk assigned Ordinance Number 19-24, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated when the Building and Construction Regulations were adopted by Ordinance Number 19-24, on October 16th, Article V. Electrical Code, was inadvertently omitted. This revision of Ordinance Number 19-24 will include Article V, Electrical Code into the Building and Construction Regulations.

Commissioner Gilligan made a motion to amend Ordinance Number 19-14, an ordinance amending the building and construction regulations to include Article V, Electrical Code. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Smith, aye; and Vice Mayor Giefer, aye.

CITY COMMISSION
(Pleasant Point Properties, LLC)
(Establish Rural Housing Incentive District)
(Resolution Number 3623)

Jim Witt, Special Project Manager, was recognized and addressed the Governing Body. He stated this resolution is the first step in the process of establishing the Pleasant Point Properties, LLC Rural Housing Incentive District (RHID). The resolution includes the mandated Development Plan and supporting documents. The adoption of the resolution sets forth a date for a required public hearing and notification of other taxing entities impacted. He stated a date for the required public hearing shall also be established upon passage of the resolution.

Commissioner Gilligan made a motion to approve Resolution Number 3623, a resolution establishing a Rural Housing Incentive District for Pleasant Point Properties, LLC, with an amendment of the correct spelling of Luke Schnakenberg's name. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Mlynar, aye; and Vice Mayor Giefer, aye.

CITY COMMISSION

**(Consider Acceptance of a Permanent Drainage Easement)
(Between City of Emporia & Crestview Lakes 6 Association, Inc.)**

City Engineer, Jim Ubert, was recognized and addressed the Governing Body. He stated in 2017, the City approached Crestview Lakes 6 Association, Inc. (Homeowner's Group) about installing a pedestrian sidewalk from Crestview Drive to Prairie Street. The Crestview Lakes 6 Association, Inc. donated some land at that time in order to help the project be feasible. After the sidewalk was installed there is a problem with an area not draining correctly and leaving the sidewalk wet most of time. The City would like to install a simple French Drain and drain the water from the adjacent hillside to one area that goes under the sidewalk to the ditch. He stated in order to do the project, the City needs an additional 10 feet of drainage easement. He stated staff was recommending accepting the permanent drainage easement between the City of Emporia and Crestview Lakes 6 Association, Inc.

Commissioner Gilligan made a motion to accept the permanent drainage easement between the City of Emporia and Crestview Lakes 6 Association, Inc. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Smith, aye; and Vice Mayor Giefer, aye.

WATER SERVICE

**(Coffey County Rural Water District #2)
(Consider Contract Extension Agreement)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the contract between the City of Emporia and Coffey County Rural Water District #2 for the sale and purchase of water treated

by the City is expiring. She stated city staff has prepared a Contract Extension Agreement for a period of four (4) months continuing all current terms to allow the City and Coffey County Rural Water District #2 to negotiate a long-term agreement.

Following further discussion, Commissioner Gilligan made a motion to approve the Contract Extension Agreement and authorize the Vice Mayor to sign. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Mlynar, aye; and Vice Mayor Giefer, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR TUESDAY, NOVEMBER 26TH STUDY SESSION

Discussion Regarding Entry & Waterfowl Pond at Emporia Zoo.
Review Ordinance and Update to the City's Water Conservation Plan.
Vacate Airport Road Project.
12th Ave. Waterline Project.
Lift Station #1 Project.

No Luncheon

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information for a business expansion and to invite City Engineer, Jim Ubert from 7:33 p.m. to 7:43 p.m., in the City Conference Room. Commissioner Mlynar seconded the motion. The vote

follows: Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Smith, aye; and Vice Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, a 7:43 p.m., this same date, in the City Conference Room, Vice Mayor Giefer stated they had discussed proprietary information for a business expansion and no action was taken.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session for preliminary discussion of potential land acquisition from 7:45 p.m. to 7:55 p.m., in the City Conference Room. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Mlynar aye; Commissioner Smith, aye; and Vice Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 7:55 p.m., this same date, in the City Conference Room, Vice Mayor Giefer stated they had preliminary discussion of potential land acquisition and no action was taken.

Commissioner Mlynar then made a motion to adjourn. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Mlynar aye; Commissioner Gilligan, aye; Commissioner Smith, aye; and Vice Mayor Giefer, aye.

Danny Giefer, Vice Mayor

ATTEST:

Kerry Sull, City Clerk